

House Engrossed Senate Bill

State of Arizona
Senate
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 102

SENATE BILL 1159

AN ACT

AMENDING SECTIONS 32-501 AND 32-506, ARIZONA REVISED STATUTES; RELATING TO
COSMETOLOGY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-501, Arizona Revised Statutes, is amended to
3 read:

4 32-501. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Aesthetician" means a person who is licensed to practice skin care
7 pursuant to this chapter.

8 2. "Aesthetics" means any one or a combination of the following
9 practices if they are performed for cosmetic purposes:

10 (a) Massaging, cleansing, stimulating, manipulating, exercising,
11 beautifying or applying oils, creams, antiseptics, clays, lotions or other
12 preparations, either by hand or by mechanical or electrical appliances.

13 (b) Arching eyebrows or tinting eyebrows and eyelashes.

14 (c) Removing superfluous hair by means other than electrolysis.

15 3. "Board" means the board of cosmetology.

16 4. "Cosmetic purposes" means for the purpose of beautifying,
17 preserving or conferring comeliness, excluding therapeutic massage and
18 manipulations.

19 5. "Cosmetologist" means a person licensed to practice cosmetology
20 pursuant to this chapter.

21 6. "Cosmetology" means any one or a combination of the following
22 practices if they are performed for cosmetic purposes:

23 (a) Cutting, clipping or trimming hair.

24 (b) Massaging, cleansing, stimulating, manipulating, exercising,
25 beautifying or applying oils, creams, antiseptics, clays, lotions or other
26 preparations, either by hand or by mechanical or electrical appliances.

27 (c) Styling, arranging, dressing, curling, waving, permanent waving,
28 straightening, cleansing, singeing, bleaching, dyeing, tinting, coloring or
29 similarly treating hair.

30 (d) Arching eyebrows or tinting eyebrows and eyelashes.

31 (e) Removing superfluous hair by means other than electrolysis.

32 (f) Nail technology.

33 7. "Instructor" means a person licensed to teach cosmetology,
34 aesthetics or nail technology, or any combination thereof, pursuant to this
35 chapter.

36 8. "Nail technician" means a person licensed to practice nail
37 technology pursuant to this chapter.

38 9. "Nail technology" means:

39 (a) Cutting, trimming, polishing, coloring, tinting, cleansing or
40 otherwise treating a person's nails.

41 (b) Applying artificial nails.

(c) Massaging and cleaning a person's hands, arms, legs and feet.

10. "Salon" means ANY OF THE FOLLOWING:

(a) An establishment operated for the purpose of engaging in the practice of cosmetology, aesthetics or nail technology, or any combination of the listed practices. ~~and any~~

(b) AN ESTABLISHMENT TOGETHER WITH A RETROFITTED motor vehicle retrofitted for exclusive use as a mobile facility for ~~such practice~~ THE PURPOSE OF ENGAGING IN THE PRACTICE OF COSMETOLOGY, AESTHETICS OR NAIL TECHNOLOGY, OR ANY COMBINATION OF THE LISTED PRACTICES THAT ~~which~~ is operated and dispatched through the establishment.

(c) A RETROFITTED MOTOR VEHICLE EXCLUSIVELY USED AS A MOBILE FACILITY FOR THE PURPOSE OF ENGAGING IN THE PRACTICE OF COSMETOLOGY, AESTHETICS OR NAIL TECHNOLOGY, OR ANY COMBINATION OF THE LISTED PRACTICES THAT IS OPERATED AND DISPATCHED FROM A BUSINESS THAT HAS A PHYSICAL STREET ADDRESS THAT IS ON FILE WITH THE BOARD.

11. "School" means an establishment operated for the purpose of teaching cosmetology, aesthetics or nail technology, or any combination of the listed practices.

Sec. 2. Section 32-506, Arizona Revised Statutes, is amended to read:

32-506. Nonapplicability of chapter

This chapter does not apply to the following persons while in the proper discharge of their professional duties:

1. Practices done for the treatment of physical or mental ailments or disease by medical practitioners licensed pursuant to this title.

2. Commissioned physicians and surgeons serving in the armed forces of the United States or other federal agencies.

3. Persons licensed pursuant to chapter 3 or 12 of this title.

4. Students attending schools licensed pursuant to this chapter while they are on school premises during school hours.

5. Persons employed by theatrical groups who apply makeup, oils and cosmetics.

6. Persons who sell makeup oils and cosmetics and who apply such products during the process of selling such products.

7. Shampoo assistants who shampoo hair under the direction of a cosmetologist licensed pursuant to this chapter.

8. Services performed by and for persons in the custody of the state department of corrections.

9. Persons who apply makeup, oils and cosmetics to patients in a hospital, nursing home or supervisory care home with the consent of the patient and the hospital, nursing home or supervisory care home.

1 10. PERSONS WHO PROVIDE A SERVICE THAT RESULTS IN TENSION ON HAIR
2 STRANDS OR ROOTS BY TWISTING, WRAPPING, WEAVING, EXTENDING, LOCKING OR
3 BRAIDING, IF THE SERVICE DOES NOT INCLUDE THE APPLICATION OF DYES, REACTIVE
4 CHEMICALS OR OTHER PREPARATIONS TO ALTER THE COLOR OF THE HAIR OR TO
5 STRAIGHTEN, CURL OR ALTER THE STRUCTURE OF THE HAIR.

6 Sec. 3. Emergency

7 This act is an emergency measure that is necessary to preserve the
8 public peace, health or safety and is operative immediately as provided by
9 law.

EMERGENCY
NOT ENACTED

APPROVED BY THE GOVERNOR APRIL 16, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 16, 2004.

Passed the House March 29, 20 04,

by the following vote: 34 Ayes,

22 Nays, 4 Not Voting
Without Emergency

Jake Elake
Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate March 1, 20 04,

by the following vote: 27 Ayes,

0 Nays, 3 Not Voting
With Emergency

John Blumenthal
President of the Senate

Charmine Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1159

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate April 12, 2004,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

[Signature]
President of the Senate
[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

12th day of April, 2004

at 4:46 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 16 day of

April, 2004,

at 1205 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 16 day of April, 2004,

at 4:33 o'clock P. M.

[Signature]
Secretary of State

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